

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 31 2007

at 10 o'clock and 40 min. A.M.
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: EDWARD PRICE aka "Cooty" Case No: CR 05-00365DAE-01

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 4/17/2006

Original Offense: Count 1: DISTRIBUTION AND POSSESSION WITH INTENT TO
DISTRIBUTE 5 GRAMS OR MORE OF METHAMPHETAMINE, in
violation of 21 U.S.C. § 841(a)(1), a Class B felony

Count 2: UNLAWFUL USER OF A CONTROLLED SUBSTANCE
IN POSSESSION OF A FIREARM, in violation of 18 U.S.C. § 922
(g)(3), a Class B felony

Original Sentence: Thirty (30) months imprisonment as to each of Counts 1 and 2 of the Information, to be served concurrently, followed by four (4) years of supervised release as to Count 1 and three (3) years as to Count 2, to be served concurrently, and with the following special conditions: 1) Defendant shall participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; 3) Defendant shall participate in a mental health program at the discretion and direction of the Probation Office; and 4) Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for

revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 8/20/2007

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

Mandatory Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.

CAUSE

On 8/20/2007, the subject began his term of supervision under the U.S. Probation Office, District of Hawaii. During his processing, the subject was referred for substance abuse treatment and random drug testing at Hina Mauka, Waipahu, Hawaii. According to his counselor, the subject has been actively participating in group counseling sessions and reporting for random drug testing.

However, on 10/16/2007, the subject failed to report for random drug testing at Hina Mauka. On 10/17/2007, the subject admitted to the violation and agreed to report to the U.S. Probation Office. During the office visit, the subject reported that he called the Hina Mauka testing line and was not scheduled for drug testing on 10/16/2007. He later submitted a urine specimen which tested negative for illicit substances.

Pursuant to U.S. vs. Stephens, the Violent Crimes Control Act (VCCA) testing condition imposed at sentencing limits the Probation Office to three non-treatment related drug tests. In order to ensure that the subject does not reinvolve himself in substance abuse, the recommended modification of his VCCA condition will enable the Probation Office to monitor the subject throughout his term of supervision. The subject has consented to the modification of his VCCA condition.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject also agrees to the modification of the conditions of supervised release. The

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subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



CARTER A. LEE
U.S. Probation Officer

Approved by:

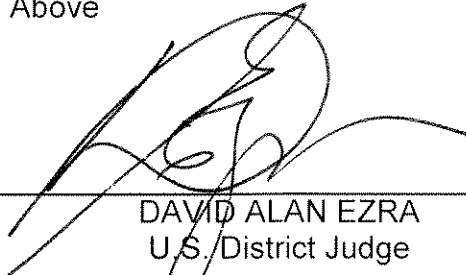


PETER D. YOSHIHARA
Supervising U.S. Probation Officer

Date: 10/29/2007

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

10/30/07
Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

Mandatory Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.

Witness:


CARTER A. LEE
U.S. Probation Officer

Signed:


EDWARD PRICE
Supervised Releasee

10/26/07
Date